

NEW YORK STATE SUPREME COURT QUEENS COUNTY – 2023 ELECTION PART RULES

All proceedings brought by Order to Show Cause to validate/invalidate designating petitions for the **Tuesday, June 27, 2023 Primary Election** are required to be commenced on or before **Thursday, April 20, 2023**, or within three (3) business days after a petition is invalidated by the Board of Elections in the City of New York.

PLEASE NOTE

All counsel and parties appearing pro se shall provide to the court, with their proposed Orders and papers, full contact information including email addresses and telephone numbers.

Cases will be heard either in-person or virtually, via Microsoft Teams, at the direction of the assigned Justice.

In preparing their proposed Orders to Show Cause, petitioners are directed to REFRAIN from using any proposed language directing the Board of Elections to produce, in court, all of the petition volumes, specifications of Objections, and prima facie findings on the return date. Rather, petitioners are directed to draft proposed language *that the Board of Elections shall produce (such documentation) at the direction of the Trial Judge.*

The calendar must be answered by counsel or the self-represented litigant, who must be ready for trial on the return date. Proof of service of the Order to Show Cause or Notice of Petition, as well as any Answers including proposed Counterclaims, shall be filed with the Clerk of the Part (if in-person), or uploaded to NYSCEF (if e-filed, virtual), **no later than 9:30 a.m.** on the initial return date of the proceeding. Failure to serve and file same shall be deemed a *waiver* and further proof shall be precluded.

Specifications of objections to a designating or nominating petition previously filed and served, pursuant to the Rules of the Board of Elections, need not be filed with the Clerk of the Part (if in-person), or uploaded to NYSCEF (if e-filed, virtual) unless directed by the Trial Judge.

Specifications of objections, not previously filed and served with the Board of Elections, shall be served upon all opposing parties, and filed Clerk of the Part (if in-person), or uploaded to NYSCEF (if e-filed, virtual), **no later than 9:30 a.m.**, on the initial return date of the proceeding. Failure to serve and file same shall be deemed a *waiver* and further proof shall be precluded.

In any proceeding by an aggrieved candidate to invalidate a designating or nominating petition, a bill of particulars as to specifications of objections shall be served upon all opposing parties and filed with the Clerk of the Part (if in-person), or uploaded to NYSCEF (if e-filed, virtual), **no later than 9:30 a.m.**, on the initial return date of the

proceeding. Failure to serve and file same shall be deemed a *waiver* and further proof shall be precluded.

In any proceeding alleging a question of residency of a candidate, a complete written offer of proof shall be served upon all opposing parties and filed with the Clerk of the Part (if in-person), or uploaded to NYSCEF (if e-filed, virtual), no later than 9:30 a.m., on the initial return date of the proceeding. Failure to serve and file same shall be deemed a *waiver* and further proof shall be precluded.

A complete written offer of proof, in all matters alleging a question of fraud, including a statement as to the number of witnesses expected to be called, the identification of each such witness (by name, address, volume, page and line) and the status of each such witness (i.e., candidate, signatory, subscribing witness, notary public, etc.) shall be served upon all opposing parties and filed with the Clerk of the Part (if in-person), or uploaded to NYSCEF (if e-filed, virtual), no later than 9:30 a.m., on the initial return date of the proceeding. Failure to serve and file same shall be deemed a waiver and further proof shall be precluded.

Pursuant to the Administrative Order of the Honorable Hector D. LaSalle, Presiding Justice of the Appellate Division, Second Department, dated March 8, 2023, all Appellate Division: Second Department election case appeals will be heard on **Wednesday, May 10, 2023**. Unless otherwise indicated, all such appeals shall be perfected on or before **May 3, 2023**, and responding briefs must be served and filed on or before **May 8, 2023**. Please contact the Clerk of the Court at ad2-election@nycourts.gov when it appears as though an appeal is likely to be taken or if you have any questions.

Dated: March 27, 2023